

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: September 26, 2002

Opposition No. 91150584

IN-N-OUT BURGERS

v.

REPIN-SKEES, INC.

David Mermelstein, Attorney:

**Motion to Compel**

Now before the Board is opposer's motion to compel discovery, filed July 17, 2002. No response having been received thereto, opposer's motion is GRANTED as conceded. Trademark Rule 2.120(e), 2.127(a).

Applicant is allowed until THIRTY DAYS from the mailing date of this order in which to serve responses to opposer's interrogatories and requests for the production of documents, *without objection*. If responses are not served pursuant to this order, the Board may entertain a motion for discovery sanctions. See Trademark Rule 2.129(g).

**Proceedings Resumed**

Proceedings herein are resumed, and applicant is allowed THIRTY DAYS to file an answer to the amended notice of opposition. Trial dates, including the close of discovery, are reset as follows:

DISCOVERY PERIOD TO CLOSE:

**January 27, 2003**

Thirty day testimony period for party in position of  
plaintiff to close:

**April 27, 2003**

Thirty day testimony period for party in position of  
defendant to close:

**June 26, 2003**

Fifteen day rebuttal testimony period to close:

**August 10, 2003**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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